

REMARKS

Supplemental IDS:

The Examiner is requested to consider and make of record the information disclosure statement filed November 15, 2005.

Status:

Claims 1-20 stand rejected. Claims 11, 12, 17-19 were rejected as indefinite, Claims 1-10, 13-14, and 16-18, 20 were rejected as anticipated, and Claims 15, 11-12, and 19 were indicated to be allowable if rewritten to overcome any 112 rejections and to incorporate the limitations of the base claim and any intervening claims.

Claims 1, 3, 4, 6-10, 12-13, and 20 are amended. Claims 2, 5, 11, and 17-19 are canceled. Claims 1, 3, 4, 6-10, 12-16, and 20 remain pending.

112 Rejections:

The Examiner rejected certain claims due to the recitation of "said temperature measurement" where multiple temperature measurements have been included in the claims. Claims 9, 10, 12, and 13 are amended, where appropriate, to recite at least one of said temperature measurements, rather than "said temperature measurement". It is respectfully urged that this amendment addresses the rejection under 35 USC 112, and withdrawal of the rejection is requested.

Additionally, Claim 1 is amended to recite the energy delivery device having an optical fiber and a diffusing light-emitting section, and Claim 20 is amended to delete the phrase "using a main processor" and to recite "at least one treatment segment" rather than "at the treatment segment." No new matter is added.

102 Rejections:Claims 1-8:

Claims 1-8 stand rejected as anticipated by US2004/0092913. Claim 1 is amended to recite, among other things, measuring a temperature associated with the first segment of the vein;

comparing the measured temperature with a target temperature; and moving the diffusing light-emitting section of the device to treat a second segment of the vein in response to the comparison of the measured temperature with the target temperature.

Support for the amendment is found in the specification as filed, including without limitation at page 4, paragraph 12. No new matter is added. It is respectfully urged that Claim 1, as amended, distinguishes over US2004/0092913 to Hennings et al, and the Examiner is respectfully urged to reconsider Claims 1-8 in view of the amendment.

Claims 9 and 10:

Claims 9 and 10 stand rejected as anticipated by US2004/0092913. The Examiner noted in the Office Action of July 1 that claims 11 and 12 (both dependent on Claim 9) would be allowable if rewritten to include all the limitations of the base claim and any intervening claim, and to address any Section 112 rejections.

Claim 9 is amended to include the limitations of Claim 11. Claim 9 is also amended to correct typographical errors, and to replace one instance of the term "optical fiber" with the term "energy delivery device" to more clearly set forth the subject matter of the claim. No new matter is added.

The Examiner is respectfully requested to reconsider Claims 9, 10, and 12 in view of the amendment of Claim 9.

Claims 13-20:

Claims 13-20 stand rejected as anticipated by anticipated by US2004/0092913. The Examiner's Office Action of July 1 notes that Claims 19 would be allowable if rewritten to overcome any Section 112 rejections and to include the limitations of the base claim and any intervening claims.

Claim 13 has been amended to include the limitations found in Claims 17, 18, and 19. Claim 13 is also amended to replace one instance of the term "optical fiber" with the term "energy delivery device" to more clearly set forth the subject matter of the claim. No new matter is added. The Examiner is respectfully requested to reconsider Claims 13-20.

Conclusion

The Examiner is respectfully requested to reconsider all the claims, as amended, and to contact the undersigned at 513 337 3535 with any questions.

Respectfully submitted,

/Gerry Gressel/
Gerry Gressel, reg#34,342

Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(513) 337-3535
DATED: January 3, 2006